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Attorneys for Plaintiffs  
CALPINE CORPORATION and CALPINE CONSTRUCTION  
FINANCE COMPANY, L.P.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CALPINE CORPORATION, a Delaware  
Corporation, and CALPINE CONSTRUCTION  
FINANCE COMPANY, L.P., a Delaware Limited  
Liability Partnership,

Plaintiffs,

v.

WESTERN AREA POWER ADMINISTRATION,  
an Agency of the United States Department of  
Energy; MICHAEL S. HACSKAYLO, in his capacity  
as Administrator of the Western Area Power  
Administration; SAMUEL WRIGHT BODMAN, in  
his capacity as Secretary of Energy of the United  
States, acting by and through the Western Area Power  
Administration; THE UNITED STATES  
DEPARTMENT OF ENERGY, acting by and  
through the Western Area Power Administration; the  
UNITED STATES of AMERICA, acting by and  
through the Western Area Power Administration,

Defendants.

Case No. C05-02241-SI

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING DATES FOR  
HEARING ON DEFENDANTS'  
MOTION TO DISMISS AND  
SPECIAL CASE MANAGEMENT  
CONFERENCE ON DISCOVERY**

Due to scheduling conflicts of plaintiff's counsel, plaintiffs have requested, and defendants have agreed, to stipulate to modify the date of the motion to dismiss hearing and the special case management conference on discovery.

IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval of the Court, that the hearing date for the motion to dismiss, currently scheduled for October 14, 2005, 2005,<sup>1</sup> will now be continued to October 18, 2005 at 9:00 a.m. Plaintiffs will have until September 13, 2005 to file its opposition to the defendants' motion to dismiss filed on August 2, 2005, and defendants will file their reply on or before October 4, 2005. It is FURTHER STIPULATED that the case management conference regarding discovery, currently scheduled for Friday, August 19, 2005 at 2:00 p.m., is continued to Wednesday, August 24, 2005 at 2:00 p.m.

Dated: August 17, 2005

GORDON P. ERSPAMER  
JAMES M. SCHURZ  
REBECCA SNAVELY SAELAO  
DEREK F. FORAN  
MORRISON & FOERSTER LLP

By:/s/

Rebecca Snavely Saelao  
Attorneys for Plaintiffs  
Calpine Corporation, and Calpine  
Construction Finance Company, L.P.

Dated: August 17, 2005

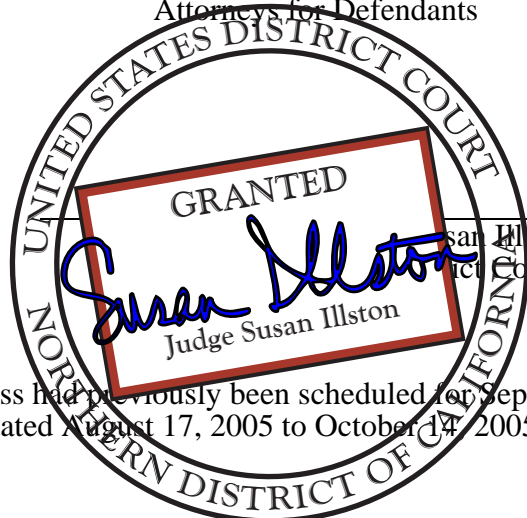
KEVIN V. RYAN  
UNITED STATES ATTORNEY

By::/s/

Katherine B. Dowling  
Assistant United States Attorney  
Attorneys for Defendants

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2005



<sup>1</sup> The hearing on the motion to dismiss had previously been scheduled for September 30, 2005, but was re-set by Order of the Court dated August 17, 2005 to October 14, 2005.